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| EXAMINER |
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AMINI, JAVID A

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2628

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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***Response to Arguments***

Applicant's arguments with respect to claims 37-45, 47-54, 56-66 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 37-45, 47-54, 56-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al., 6,016,362 ("Kato"), Fujita et al. 6321024 B1, hereinafter Fujita, and further in view of Bossut et al. US 7265763 B2, hereinafter Bossut.

37. An image processing apparatus comprising:

(Kato, e.g. the "maker" of the image sequence specifies how each image in the sequence is to be cut, so that selecting continuous images is obvious, see column 3, lines 2-3, 8-9, 14-16, 23-27, 34-36, 39-42, 46-48, 51-53, 56-58, 65-67; column 4, lines 6-7, 11-12; and explicitly, a "sequence is made ... with a telecine apparatus" in column 4, lines 49-55, so that continuous images must obviously be designated, since they could not otherwise be cut; and "the resulting sequence of images ... is regarded as one with director's approval" in column 4, lines 64-65, so it is clear continuous images are designated);

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a trimming area determination unit adapted to determine trimming areas of a first image and a second image from continuous plurality images having a specific order;(Kato, column 6, lines 43-53, a rectangular 4:3 area with  $X_e$  center,  $Film\_e\_width$ , and Film-height is "designated");

a trimming area calculation unit adapted to calculate a trimming area based on position and/or sizes of the trimming areas of the first image and the second image determined by the trimming area determination unit, with respect to each image of which order is between the first image and the second image among the continuous plural images, (Kato, the paragraph bridging cols. 7-8), Kato does not explicitly specify wherein positions and/or sizes of the trimming area of each image of which order is between the first image and the second image are different from the position and/or sizes of the trimming areas of the first image and the second image determined by the trimming area determination unit, the trimming area of each image of which order is between the first image and the second image being a part of an entire area in which each image is recorded; and

Fujita is silenced specifying wherein positions and/or sizes of the trimming area of each image of which order is between the first image and the second image is different from position and/or sizes of the trimming areas of the first image and the second image determined by the trimming area determination unit, the trimming area of each image of which order is between the first image and the second image being a part of an entire area in which each image is recorded,

However, Bossut teaches wherein positions and/or sizes of the trimming area of each image of which order is between the first image and the second image is different from position and/or sizes of the trimming areas of the first image and the second image determined by the

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trimming area determination unit, the trimming area of each image of which order is between the first image and the second image being a part of an entire area in which each image is recorded, e.g., see col. 11 lines 18-27, in fig. 4 illustrates an image 410 at the right of the top row also shown is a zone of interest 460 containing a portion of the image representing a face. The zone of interest is a rectangular portion of the full image. Also shown are cutouts labeled 420, 430, 440 and 450 for substitute templates, each with its own shape for holding the image. At the same column lines 45-58 teaches the position of the user image is almost perfectly centered, with the face showing through the cutout In the bottom row, using only the center of the image as a reference point, the main subject is not centered. This discrepancy stems from the fact that the center of the image is not necessarily the center of a zone of interest in the image, since the subject is not necessarily centered in the image.

Therefore, it would have been obvious to one of ordinary skill in the art to recognize from fig. 4, that illustrates 410, 420, 430, 440, 450 which are considered as first image, second image and so on, and the trimming area of each image being part of an entire area.

Since Fujita teaches in col. 2 lines 29-30 that the video cut can form the list of the still images and all stored in 208 (see figure 1) then it would have been obvious to one of ordinary skill in the art to recognize the following step of claimed invention is well known in the art “a generating unit adapted to generate continuous images by using images cut out with the trimming area determined by the trimming area determination unit and images cut out with the trimming area calculated by the trimming area calculation unit”.

Thus, it would have been obvious to a person skill in the art at the time of the invention to combine Bosuut into Fujita and Kato, in order to achieve what the claimed invention recited.

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61. An image processing apparatus according to claim 37, is provided by Kato by a proportional change ratio of 4:3 in column 6, lines 43-67.

For claims 38-45, 47-54, 56-66, see the rejection of claim 37. A start and end frame are clearly obvious in the sequence of Kato.

**Cited prior art** that illustrates a Kineograph that is considered a well known in the art

The cited publication 2003/0214128 hereinafter Roberts discloses in paragraph 0003 a kineograph can consist of images that produces animation see fig. 1.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAVID A. AMINI whose telephone number is (571)272-7654. The examiner can normally be reached on 7-3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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